

SENATE No. 2653

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to voting by mail and early voting.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>4/14/2020</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>4/14/2020</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>4/15/2020</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>4/15/2020</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>4/15/2020</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>4/17/2020</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>4/20/2020</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>4/20/2020</i>
<i>Ruth B. Balseer</i>	<i>12th Middlesex</i>	<i>4/22/2020</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>4/24/2020</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>4/24/2020</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>4/29/2020</i>

SENATE No. 2653

By Ms. Creem, a petition (accompanied by bill, Senate, No. 2653) (subject to Joint Rule 12) of Cynthia Stone Creem, Michael J. Barrett, Rebecca L. Rausch, Julian Cyr and other members of the General Court for legislation relative to voting by mail and early voting. Election Laws.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to voting by mail and early voting.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding section 25B of chapter 54 of the General Laws or any
2 other general or special law to the contrary for the 2020 state primary scheduled for September 1,
3 2020 and the 2020 state election scheduled for November 3, 2020 and any annual or special
4 municipal or state election held on such dates any person taking precaution related to COVID-19
5 in response to a declared state of emergency or from guidance from a medical professional, local
6 or state health official, or any civil authority shall be deemed to be unable by reason of physical
7 disability to cast their vote in person at a polling location.

8 SECTION 2. Notwithstanding any general or special law to the contrary, there shall be
9 early voting for the 2020 state primary, scheduled for September 1, 2020. The election officers
10 and registrars of every city or town shall allow any qualified voter under section 1 of chapter 51
11 of the General Laws to cast a ballot for the 2020 state primary during the early voting period.
12 The early voting period shall begin on Monday, August 24, 2020 and end on Friday, August 28,

13 2020. Early voting shall also apply to any city or town election held at the same time as the state
14 primary. Early voting under this section shall comply to the extent applicable with the
15 provisions of section 25B of chapter 54.

16 SECTION 3. (a) Notwithstanding section 25B of chapter 54 of the General Laws or any
17 other general or special law to the contrary, any eligible voter may vote early by mail for the
18 2020 state primary scheduled for September 1, 2020 and the 2020 state election scheduled for
19 November 3, 2020 and any annual or special municipal or state election held on such dates.

20 (b) Any qualified voter wanting to early vote by mail may file with their local election
21 official an application for an early voting ballot. Any form of written communication evidencing
22 a desire to have an early voting ballot be sent for use for voting at an election shall be given the
23 same effect as an application made in the form prescribed by the state secretary. Local election
24 officials shall send early voting by mail ballots to those who have applied as soon as ballots are
25 available. No application shall be deemed to be seasonably filed unless it is received in the office
26 of the local election official before noon on the last business day before the date on which the
27 election is held.

28 (c) Local election officials may substitute absentee ballots for early voting ballots for
29 those voters requesting to vote early by mail. An early voting ballot or absentee ballot substituted
30 for an early voting ballot, along with an envelope bearing an affidavit as set forth in section 25B
31 of chapter 54 of the General Laws, shall be provided to each qualified voter who participates in
32 early voting by mail.

33 (d) The local election officials shall cause to be placed on the voting lists opposite the
34 name of a qualified voter who participates in early voting the letters “EV” designating an early
35 voter.

36 (e) The counting of early voting ballots shall be consistent with section 25B of chapter 54
37 of the General Laws and implemented regulations to the extent practicable. All envelopes
38 referred to in this section shall be retained with the ballots cast at the election and shall be
39 preserved and destroyed in the manner provided by law for the retention, preservation or
40 destruction of official ballots.

41 (f) All early voting ballots voted by mail shall be received by the town clerk before the
42 hour fixed for closing the polls on the date on which the election is held. Early voting ballots cast
43 under the authority of this section shall be processed at the polls in a manner consistent with that
44 set forth in said section 25B of said chapter 54.